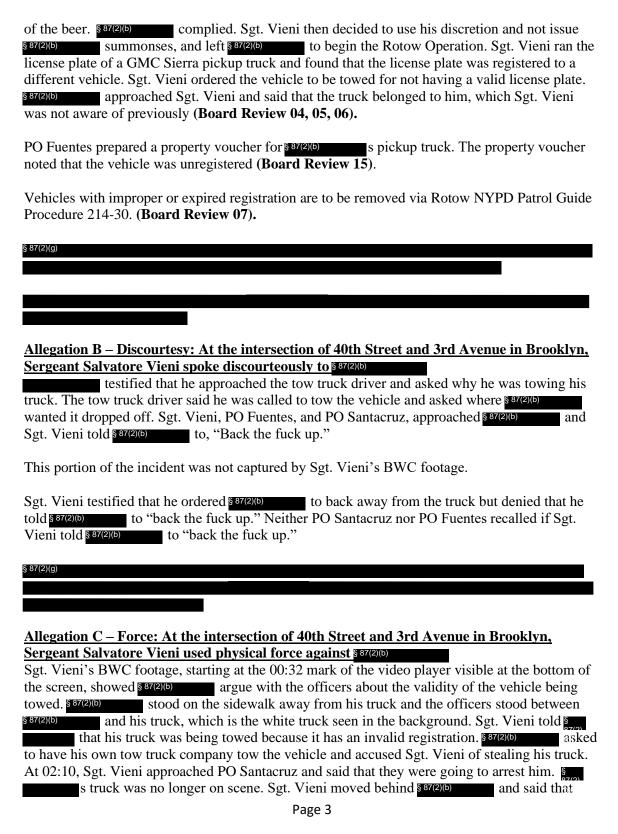
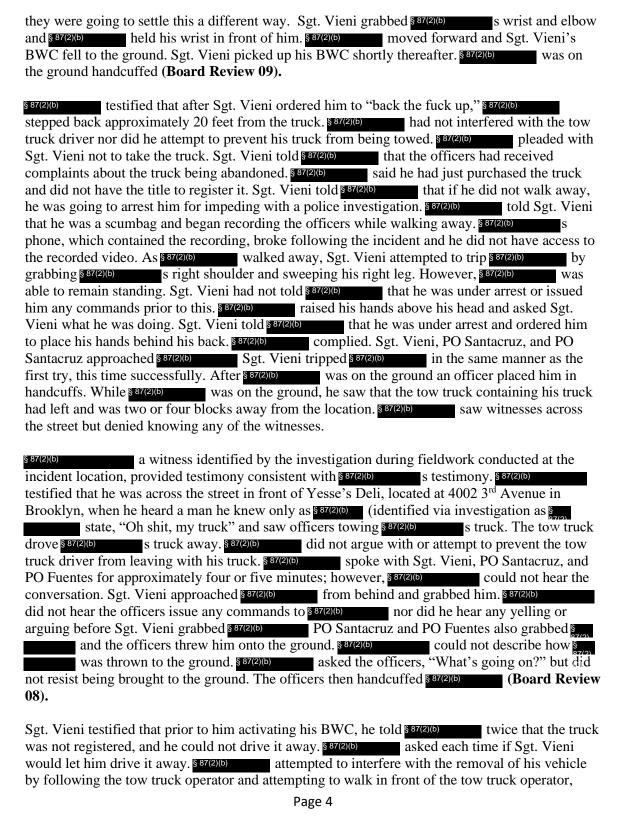
CCRB INVESTIGATIVE RECOMMENDATION

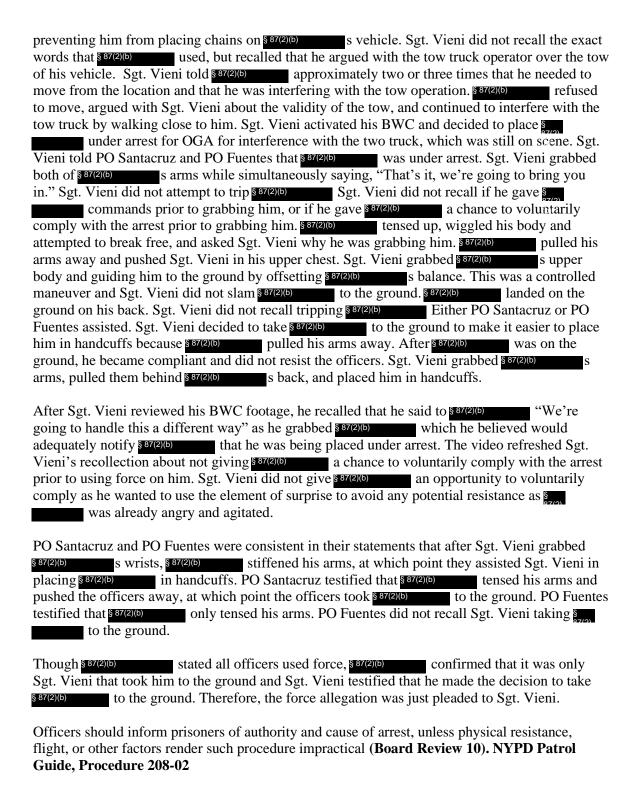
Investigator:	Team:		CCRB Case #:	$\overline{\mathbf{Q}}$	Force	$\overline{\mathbf{V}}$	Discourt.	U.S.
Thomas Juliano	Squad	#6	201806711	Ø	Abuse	$ \sqrt{} $	O.L.	☑ Injury
Incident Date(s)	Locati	on of Incident:	•	F	Precinct:	18	Mo. SOL	EO SOL
Thursday, 08/09/2018 5:00 PM, Thurs 08/09/2018 10:30 PM	day, 40th S	treet and 3rd Av	renue		72	2	/9/2020	2/9/2020
Date/Time CV Reported	CV Re	eported At:	How CV Reported	:	Date/Time	Rece	eived at CC	RB
Sun, 08/12/2018 10:32 AM	CCRB	3	Call Processing System		Sun, 08/12	2/2018	3 10:32 AM	1
Complainant/Victim Ty	pe	Home Addro	ess		•			
Witness(es)		Home Addro	ess					
Subject Officer(s) Sh	ield	TaxID	Command					
1. SGT Salvatore Vieni 030	011	945338	GVSD Z1					
Witness Officer(s) Sh	ield No	Tax No	Cmd Name					
1. SGT Jorge Santacruz 439	96	947458	066 PCT					
2. POM Richard Fuentes 11'	714	938509	072 PCT					
Officer(s) All	egation				Inve	stiga	tor Recor	nmendation
§ 87	use: At the in (2)(b) vatore Vieni		in Brooklyn, Sergea	ant				
§ 87	(2)(b)	the intersection spoke discourted	in Brooklyn, Sergea	ant				
in 1		tersection of \$87(2) rgeant Salvatore	Vieni used physical	forc	ce			
in 1		tersection of § 87(2) rgeant Salvatore	Vieni used physical	forc	ee			
Sal		made remarks to	einct Stationhouse, S § 87(2)(b) bas	_	eant ipon			

Case Summary

On August 12, 2018, \$87(2)(b) filed this complaint with the CCRB via the Call Processing System.
On August 9, 2018, at 5:00 p.m., \$37(2)(b) washed his car under the overpass of the BQE near the intersection of 40 th Street and 3 rd Avenue in Brooklyn when Sgt. Salvatore Vieni, PO Santacruz, and PO Fuentes of the 72 nd Precinct arrived at the location. Sgt. Salvatore Vieni of the 72 nd Precinct seized \$37(2)(b) s vehicle for being unregistered (Allegation A – Abuse of Authority: \$37(2)(b) s 37(2)(b) approached the tow truck operator and Sgt. Vieni told \$37(2)(b) to "back the fuck up" (Allegation B – Discourtesy: \$37(2)(c) Sgt. Vieni placed \$37(2)(b) under arrest and Sgt. Vieni took \$37(2)(b) to the ground (Allegations C – Force: \$37(2)(c) was on the ground, Sgt. Vieni stepped on \$37(2)(c) was handcuffed and transported to the 72 nd Precinct stationhouse where he requested medical attention. As EMTs removed \$37(2)(b) to the hospital, Sgt. Vieni told \$37(2)(c) "Stop being a bitch and grow a new pair" (Allegation E – Offensive language: \$37(2)(c)
\$ 87(2)(b) was arrested and charged with obstruction of governmental administration and resisting arrest. \$ 87(2)(b), \$ 87(2)(c) (impair contract awards or CBAs)
BWC footage was obtained from Sgt. Vieni's BWC (Board Review 02). PO Fuentes and PO Santacruz were not assigned BWC during this incident.
Findings and Recommendations
Allegation A – Abuse of Authority: At the intersection of 40th Street and 3rd Avenue in Brooklyn, Sergeant Salvatore Vieni seized source sproperty. It is undisputed that 887(2)(b) s 1997 GMC Sierra pickup truck had a license plate that did not belong to the vehicle.
Allegation A – Abuse of Authority: At the intersection of 40th Street and 3rd Avenue in Brooklyn, Sergeant Salvatore Vieni seized street sproperty. It is undisputed that street and 3rd Avenue in sproperty. It is undisputed that street sproperty is 1997 GMC Sierra pickup truck had a license plate that did not
Allegation A – Abuse of Authority: At the intersection of 40th Street and 3rd Avenue in Brooklyn, Sergeant Salvatore Vieni seized \$87(2)(b) s property. It is undisputed that \$87(2)(b) s 1997 GMC Sierra pickup truck had a license plate that did not belong to the vehicle. \$87(2)(b) testified that August 9, 2018, he washed his 2017 Honda Accord utilizing a fire hydrant under the BQE when Sgt. Vieni and PO Fuentes approached him. Sgt. Vieni ordered \$100 to shut off the fire hydrant and to dispose of beer bottles that were on the ground. \$100 told Sgt. Veini that the beer bottles did not belong to him and shut off the fire hydrant as directed. Approximately five minutes later, Sgt. Vieni, PO Santacruz, PO Fuentes returned along with a tow truck. Sgt. Vieni told \$87(2)(b) that he was towing his 1997 GMC Sierra pickup







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When appropriate and consistent with personal safety, members of service (MOS) will use descalation techniques to safely gain voluntary compliance. MOS are to use the minimum force necessary to effect an arrest. In determining whether the use of force is reasonable, MOS should consider the nature and severity of the crime, actions taken by the subject, duration of the action, immediacy of the perceived threat, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of MOS, size, age, and condition of the subject in comparison to the MOS, subject's violent history if known, presence of hostile crowd or agitators, and if the subject is under the influence of any substances (Board Review 11). NYPD Patrol Guide, Procedure 221-01

The BWC showed that Sgt. Vieni did not inform \$\frac{\sqrt{2}(2)(b)}{\sqrt{2}(2)(b)}\$ that he was under arrest prior to grabbing him. The statement that he did make, "We're going to handle this a different way," is not a sufficient statement to notify an individual that they are under arrest, nor did it afford the ability to voluntarily comply with the arrest prior to Sgt. Vieni's use of force. The officers arrested \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ for obstruction of governmental administration, a nonviolent offence. Furthermore, \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ s was arrested for interfering with the tow truck, and despite Sgt. Vieni's testimony, his BWC shows that the point in which Sgt. Vieni took \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ to the ground, \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ s truck had been successfully removed and was no longer on scene. Prior to Sgt. Vieni grabbing \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ and taking him to the ground \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ did not resist arrest or attempt to flee the location. There were three officers present on the scene, which outnumbered \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ Finally, the arrest was made absent the presence of a hostile crowd and the officers did not have a knowledge of \$\frac{\sqrt{3}7(2)(b)}{\sqrt{2}(b)}\$ prior to this incident. \$\frac{\sqrt{3}7(2)(c)}{\sqrt{2}(c)}\$
§ 87(2)(g)
Allegation D – Force: At the intersection of 40th Street and 3rd Avenue in Brooklyn, Sergeant Salvatore Vieni used physical force against \$87(2)(b)
testified that as he laid on the ground in handcuffs, one of the officers, who he did not see, stepped on \$57(2)(b) s testicles causing a hernia. \$57(2)(b) s creamed in pain. Sgt. Vieni told \$57(2)(b) to grow a new set. Sgt. Vieni's statement led \$57(2)(b) to conclude that Sg. Vieni was the officer who stepped on his testicles.
The investigation was unable to obtain a signed subpoena from \$87(2)(b) and subsequently s medical records were unavailable to the investigation.
did not testify to seeing an officer stepping on \$87(2)(b) s testicles.
Sgt. Vieni and PO Fuentes denied stepping on stepping of stesticles and all said that they did not see any officer do so. PO Santacruz did not recall himself or any other officer stepping on stesticles.

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Sgt. Vieni's BWC footage did not show any officer step on \$87(2)(b) step is testicles, nowever, Sgt. Vieni's BWC fell to the ground as the officers took \$87(2)(b) to the ground. At the moment in which Sgt. Vieni picked up his BWC, Sgt. Vieni was standing. The BWC showed, at the 02:59 mark of the video player visible at the bottom of the screen, that \$87(2)(b) lied on
the ground and was calm and did not scream in pain as alleged. § 87(2)(g)
Allegation E – Offensive Language: At the 72nd Precinct Stationhouse, Sergeant Salvatore Vieni made remarks to \$37(2)(b) based upon the gender of \$37(2)(b) testified that at the 72 nd Precinct stationhouse, he requested to go to the hospital. An officer called for an ambulance and unidentified EMTs arrived at the stationhouse. The EMTs took \$87(2)(b) out of the cell and walked him past the front desk. Sgt. Vieni, who was behind the front desk, told \$87(2)(b) to "stop being a bitch and to grow a new pair."
The investigation was unable to obtain a signed subpoena from \$87(2)(0) and subsequently the EMTs were not identified.
This portion of the incident was not captured on video.
Sgt. Vieni testified that he was behind the front desk when \$87(2)(b) was removed to the hospital but denied making the statement and denied making any comments to \$87(2)(b) Both PO Santacruz and PO Fuentes denied hearing Sgt. Vieni make the statement.
§ 87(2)(g)
Civilian and Officer CCRB Histories
§ 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)
Sgt. Vieni has been a member-of-service for 13 years and has been a subject in two additional CCRB complaints and three allegations, none of which were substantiated. §87(2)(9)
This is the first CCRB complaint to which PO Santacruz has been a party. Page 7

PO Fuentes has been a member-of-servic CCRB complaints and six allegations, no	•	
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Mediation, Civ	vil and Criminal Histories	
This case was not suitable for mediation.		
On February 2, 2020, an inquiry was filed a Notice of Claim for \$87(2)(b) The supon receipt. (Board Review 13)	d with the New York City Comptrol results are pending and will be added	
§ 87(2)(b), § 87(2)(c) (impair contract awards or CBAs)		
Squad No.: 06		
Investigator: _Inv. Thomas Juliano	Inv. Thomas Juliano	09/18/2020
Signature	Print Title & Name	Date
Squad Leader: IM Jessica Pena	IM Jessica Pena 10/	9/2020

Print Title & Name

Date

Signature

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